

MINUTES
LANCASTER COUNTY BOARD OF COMMISSIONERS
TUESDAY, SEPTEMBER 28, 2004
COUNTY COMMISSIONERS HEARING ROOM, ROOM 112
FIRST FLOOR, COUNTY-CITY BUILDING
1:30 P.M.

Commissioners Present: Ray Stevens, Chair
Larry Hudkins, Vice Chair
Bernie Heier
Deb Schorr
Bob Workman

Others Present: Kerry Eagan, Chief Administrative Officer
Bruce Medcalf, County Clerk
Kristy Mundt, Deputy County Attorney
Trish Owen, Chief Deputy County Clerk

The Board of Commissioners meeting was called to order at 1:30 p.m..

- 1) **MINUTES: Approval of the minutes of the Board of Commissioners meeting held on Tuesday, September 21, 2004.**

MOTION: Schorr moved and Workman seconded approval of the minutes of the Board of Commissioners meeting dated September 21, 2004. Schorr, Hudkins, Workman, Heier and Stevens voted aye. Motion carried.

- 2) **SPECIAL PRESENTATIONS:**

A. The Commissioners' Award of Excellence for September, 2004 was presented to Tuan Tran, an employee at Lancaster Manor.

- 3) **PUBLIC COMMENT:**

There was no public comment and the meeting proceeded as planned.

- 4) **CLAIMS: Approval of all claims processed through Tuesday, September 28, 2004.**

MOTION: Heier moved and Workman seconded approval of all claims processed through September 28, 2004. Workman, Hudkins, Schorr, Heier and Stevens voted aye. Motion carried.

5) **PUBLIC HEARINGS:**

A. County Special Permit 04043, requested by Audubon Nebraska, for authority to construct and operate an educational philanthropic institution to be used as a nature center, on property generally located at Southwest 100th Street and Saltillo Road in Lancaster County, Nebraska. (See New Business 6A for correlating resolution.)

The Chair opened the public hearing and asked if anyone wished to testify in favor of the Special Permit.

The Clerk administered the oath to Don Helmuth, Vice President of the National Audubon and State Director of Audubon Nebraska.

Helmuth indicated the center would be approximately 6,450 square feet and will serve as an education center, a meeting place and work space for staff. He explained that it would be a 'green building' in that it will have straw bale construction, a passive solar design and a geothermal heat system. Helmuth stated the education portion of the building will have roll up doors to allow easy indoor/outdoor access.

In response to a question asked by Heier, Helmuth stated the geothermal system would be a closed loop system.

Hudkins asked about the master plan, including parking and entrance improvements.

Helmuth stated the parking lot is included in the overall design and there would be an area for overflow parking for festivals. He stated the existing road would likely be elevated for better visibility.

Schorr asked about the type of festivals Audubon Nebraska would hold.

Helmuth stated they would be similar to the one held several weeks ago called 'Twilight on the Tall Grass'.

The Chair asked if anyone else wished to provide testimony.

No one appeared and the hearing was closed.

5) **PUBLIC HEARINGS CONTINUED:**

B. County Change of Zone 04053, from AG Agricultural District to AGR Agricultural Residential District, requested by Mark Hunzeker on behalf of Wapiti Enterprises, Inc., on property generally located at the southeast corner of Southwest 40th Street and Rokeby Road in Lancaster County, Nebraska. (See New Business Item 6B for correlating resolution.)

The Chair opened the public hearing and asked if anyone wished to testify in favor of the Change of Zone.

The Clerk administered the oath to Mark Hunzeker, appearing on behalf of Wapiti Enterprises, Inc..

Hunzeker stated he had sent a letter to the Chair of the County Board requesting that the Change of Zone be placed on pending.

The Chair asked if anyone else wished to provide testimony.

Workman asked Mike DeKalb, Planning Department, if staff knew of any reason to place the item on pending.

The Clerk administered the oath to Mike DeKalb.

DeKalb responded the decision was up to the discretion of the County Board.

MOTION: Heier moved and Hudkins seconded to recess the public hearing and place it on pending at the request of the applicant. Heier Schorr, Hudkins and Stevens voted aye. Workman voted no. Motion carried.

6) **NEW BUSINESS:**

A. A resolution in the matter of County Special Permit 04043 requested by Audubon Nebraska, for authority to construct and operate an educational philanthropic institution to be used as a nature center, on property generally located at Southwest 100th Street and Saltillo Road in Lancaster County, Nebraska. (R-04-0116)

6) **NEW BUSINESS CONTINUED:**

MOTION: Schorr moved and Workman seconded approval of Resolution 04-0116 in the matter of County Special Permit 04043 requested by Audubon Nebraska, for authority to construct and operate an educational philanthropic institution to be used as a nature center, on property generally located at Southwest 100th Street and Saltillo Road in Lancaster County, Nebraska. Heier, Workman, Hudkins, Schorr and Stevens voted aye. Motion carried.

B. A resolution in the matter of County Change of Zone 04053, requesting a change of zone for property generally located at the southeast corner of Southwest 40th Street and Rokeby Road from AG Agricultural to AGR Agricultural Residential. (R-04-0117)

The Chair indicated the resolution relating to Change of Zone 04053 would be dropped from the agenda.

C. An application for a Special Designated License from Richard L. Elofson d/b/a Little Ricky's Saloon, located at 644 Main Street, in North Bend, Nebraska to provide liquor beverage service for a wedding reception on Saturday, October 23, 2004 from 8 a.m. to 1 a.m. at Country Pines located at 6305 West Adams Street.

Stevens questioned the hours of the event.

Rick Elofson, applicant, responded that they include the time necessary for setting up.

MOTION: Workman moved and Schorr seconded approval of an application for a Special Designated License from Richard L. Elofson d/b/a Little Ricky's Saloon, located at 644 Main Street, in North Bend, Nebraska to provide liquor beverage service for a wedding reception on Saturday, October 23, 2004 from 8 a.m. to 1 a.m. at Country Pines located at 6305 West Adams Street. Hudkins, Workman, Heier, Schorr and Stevens voted aye. Motion carried.

6) **NEW BUSINESS CONTINUED:**

D. An application for a Special Designated License from B & B-Q Inc. d/b/a Cheerleaders Bar & Grill to provide liquor beverage service for a wedding reception on Saturday, October 16, 2004 from 5 p.m. to 1 a.m. at Country Pines located at 6305 West Adams Street.

MOTION: Heier moved and Workman seconded approval of an application for a Special Designated License from B & B-Q Inc. d/b/a Cheerleaders Bar & Grill to provide liquor beverage service for a wedding reception on Saturday, October 16, 2004 from 5 p.m. to 1 a.m. at Country Pines located at 6305 West Adams Street. Heier, Hudkins, Schorr, Workman and Stevens voted aye. Motion carried.

E. An application for a Special Designated License from the Nebraska State Board of Agriculture to hold a rodeo and dance on Sunday, October 10, 2004 from 12 p.m. to 12 a.m..

Joe McDermott, Interim Executive Director for the Nebraska State Board of Agriculture, appeared.

In response to a question asked by Heier, Trish Owen, Chief Deputy County Clerk, stated the Board of Commissioners do have an operations policy which allows for applications to be received less than 21 days prior to the event. She indicated the applicant did submit the application as discussed at the September 23rd Board Staff Meeting and all necessary recommendations were received.

MOTION: Hudkins moved and Schorr seconded approval of an application for a Special Designated License from the Nebraska State Board of Agriculture to hold a rodeo and dance on Sunday, October 10, 2004 from 12 p.m. to 12 a.m.. Workman, Schorr, Hudkins, Heier and Stevens voted aye. Motion carried.

F. Acceptance of a grant award from the United States Department of Justice, Office of Juvenile Justice and Delinquency Prevention, for funding for the 2004 Drug Free Communities Support Program, in the amount of \$100,000. The County previously received \$200,000 in funds under County Contract C-02-0516 and C-03-0622. The grant period is October 1, 2004 to September 30, 2005. (C-04-0454)

6) **NEW BUSINESS CONTINUED:**

MOTION: Schorr moved and Heier seconded approval of an acceptance of a grant award from the United States Department of Justice, Office of Juvenile Justice and Delinquency Prevention, for funding for the 2004 Drug Free Communities Support Program, in the amount of \$100,000. Hudkins, Workman, Heier, Schorr and Stevens voted aye. Motion carried.

G. A grant contract with the Rape/Spouse Abuse Crisis Center for funding for the oversight and management of two full-time advocates who supply enhanced 24 hour advocacy to victims in person or by phone. Term of the agreement is from July 1, 2004 to June 30, 2005. The County will pay \$54,821 for the services and the grantee will contribute \$13,406 in matching funds. (C-04-0455)

MOTION: Heier moved and Hudkins seconded approval of a grant contract with the Rape/Spouse Abuse Crisis Center for funding for the oversight and management of two full-time advocates who supply enhanced 24 hour advocacy to victims in person or by phone. Schorr, Hudkins, Heier, Workman and Stevens voted aye. Motion carried.

H. A lease agreement between the Lancaster County Agricultural Society and the Cooperative Extension Office for 728 square feet of office space at the Lancaster Event Center, located at 4100 North 84th Street, beginning July 1, 2004 and ending June 30, 2005. The County will pay \$6,115.20 (\$8.40 per square foot) for the year. The County will pay for telephone and computer lines which service the leased premises. The County previously executed a lease agreement for 540 square feet at the same rate per square foot. This lease agreement replaces and rescinds County contract C-02-0348. (C-04-0456)

MOTION: Hudkins moved and Heier seconded approval of a lease agreement between the Lancaster County Agricultural Society and the Cooperative Extension Office for 728 square feet of office space at the Lancaster Event Center, located at 4100 North 84th Street, beginning July 1, 2004 and ending June 30, 2005.

Workman stated the reason the County Board has approval regarding the lease is because the Cooperative Extension Office is participating.

6) **NEW BUSINESS CONTINUED:**

ROLL CALL: Hudkins, Schorr, Heier, Workman and Stevens voted aye. Motion carried.

I. A grant contract with Saint Monica's for funding for the Adolescent Youth Program, in the amount of \$15,000, and for the Day Treatment Program, in the amount of \$15,000. The total grant will be in the amount of \$30,000. Term of the grant contract is July 1, 2004 to June 30, 2005. (C-04-0457)

MOTION: Hudkins moved and Workman seconded approval of a grant contract with Saint Monica's for funding for the Adolescent Youth Program, in the amount of \$15,000, and for the Day Treatment Program, in the amount of \$15,000. Schorr, Hudkins, Heier, Workman and Stevens voted aye. Motion carried.

J. An end-user license agreement with The McLean Hospital Corporation for Basis-24 software used at the Crisis Center which allows staff to score and receive reports regarding patients. The County will pay \$300 to renew the annual license, and \$60 for an instruction guide. The license agreement is effective upon execution and expires on September 30, 2005. (C-04-0458)

MOTION: Workman moved and Heier seconded approval of an end-user license agreement with The McLean Hospital Corporation for Basis-24 software used at the Crisis Center which allows staff to score and receive reports regarding patients. Heier, Workman, Hudkins, Schorr and Stevens voted aye. Motion carried.

K. A grant contract with Lincoln Medical Education Partnership for funding for the Family Violence Council Program, in the amount of \$34,650 and the Pathways to Self-Sufficiency Through Education Program, in the amount of \$21,000. Total amount of the grant contract is \$55,650. Term of the grant contract is July 1, 2004 to June 30, 2005. (C-04-0459)

6) **NEW BUSINESS CONTINUED:**

MOTION: Hudkins moved and Schorr seconded approval of a grant contract with Lincoln Medical Education Partnership for funding for the Family Violence Council Program, in the amount of \$34,650 and the Pathways to Self-Sufficiency Through Education Program, in the amount of \$21,000. Heier, Workman, Hudkins, Schorr and Stevens voted aye. Motion carried.

L. A grant contract with the Lincoln Medical Education Partnership for the oversight and management of the Coordinated Response to Reducing Domestic Violence Program, in the amount of \$15,525. Lincoln Medical Education Partnership will contribute \$5,175 in matching funds. Term of the grant contract is July 1, 2004 to June 30, 2005. (C-04-0460)

MOTION: Schorr moved and Hudkins seconded approval of a grant contract with the Lincoln Medical Education Partnership for the oversight and management of the Coordinated Response to Reducing Domestic Violence Program, in the amount of \$15,525. Schorr, Hudkins, Workman, Heier and Stevens voted aye. Motion carried.

M. A grant contract with the City of Lincoln, Nebraska (Lincoln Police Department) for funding for a Lincoln Police Department's Domestic Violence Specialist position, in the amount of \$32,209. Term of the grant contract is July 1, 2004 to June 30, 2005. The City of Lincoln will contribute \$7,407 in matching funds. (C-04-0464)

MOTION: Workman moved and Hudkins seconded approval of a grant contract with the City of Lincoln, Nebraska (Lincoln Police Department) for funding for a Lincoln Police Department's Domestic Violence Specialist position, in the amount of \$32,209. Workman, Schorr, Heier, Hudkins and Stevens voted aye. Motion carried.

Schorr referred to New Business Items 6L and 6M and noted that the County is a 'pass through' agency. She added that the funds are federal funds from the Violence Against Women Act.

6) **NEW BUSINESS CONTINUED:**

N. An agreement with F.I.R.S.T. Project for multi-cultural counseling and cultural competency training for children and families enrolled in the Lancaster County System of Care. Term of the agreement is September 1, 2004 through June 30, 2005. The County will pay up to \$18,130 for such services. (C-04-0465)

MOTION: Workman moved and Heier seconded approval of an agreement with F.I.R.S.T. Project for multi-cultural counseling and cultural competency training for children and families enrolled in the Lancaster County System of Care. Heier, Workman, Hudkins, Schorr and Stevens voted aye. Motion carried.

O. Allowance Modification Number 5 with Cheever Construction Company to install ceramic tile and tile base in one restroom in connection with the remodel of Midtown Center, located at 2966 "O" Street. The Contingency/Discovery Allowance will be decreased by \$1,332. (C-04-0466)

MOTION: Schorr moved and Hudkins seconded approval of Allowance Modification Number 5 with Cheever Construction Company to install ceramic tile and tile base in one restroom in connection with the remodel of Midtown Center, located at 2966 "O" Street. Workman, Hudkins, Schorr, Heier and Stevens voted aye. Motion carried.

P. Authorization of Wells Fargo Bank, as trustee, to disburse and make payment from the Lancaster County Limited Tax Building 2004 Construction Fund to the following payees: ICI Paints, in the amount of \$250.18, for paint for Midtown Center; to Cheever Construction Company, in the amount of \$68,947.20, for payment of general construction at Midtown Center; to Sinclair Hille Architects, in the amount of \$9,215.53, for the Sheriff's vehicle garage and to Aquila, in the amount of \$60.49, for past due gas service for Midtown Center. Total amount of the payment request is \$78,473.40.

6) **NEW BUSINESS CONTINUED:**

MOTION: Hudkins moved and Workman seconded approval of the authorization of Wells Fargo Bank, as trustee, to disburse and make payment from the Lancaster County Limited Tax Building 2004 Construction Fund to the following payees: ICI Paints, in the amount of \$250.18, for paint for Midtown Center; to Cheever Construction Company, in the amount of \$68,947.20, for payment of general construction at Midtown Center; to Sinclair Hille Architects, in the amount of \$9,215.53, for the Sheriff's vehicle garage and to Aquila, in the amount of \$60.49, for past due gas service for Midtown Center. Total amount of the payment request is \$78,473.40. Workman, Hudkins, Schorr, Heier and Stevens voted aye. Motion carried.

Q. A resolution authorizing the installation of two "No Outlet" signs in Sunrise Estates Subdivision. One sign will be installed just north of Avon Lane on North 88th Street for northbound traffic and one just north of Avon Lane on North 92nd Street for northbound traffic. (R-04-0118)

MOTION: Workman moved and Heier seconded approval of Resolution 04-0118 authorizing the installation of two "No Outlet" signs in Sunrise Estates Subdivision. One sign will be installed just north of Avon Lane on North 88th Street for northbound traffic and one just north of Avon Lane on North 92nd Street for northbound traffic. Heier, Workman, Schorr, Hudkins and Stevens voted aye. Motion carried.

R. Renewal of the Lancaster County Insurance Program.

MOTION: Workman moved approval of the renewal of the Lancaster County Insurance Program.

Tom Champoux, with Unico Group, Inc., appeared and explained that the elimination of the third party administrator has been agreed upon. He also indicated that the excess layer above the auto would be increased to five million dollars.

SECOND TO THE MOTION: Hudkins seconded.

ROLL CALL: Heier, Workman, Hudkins, Schorr and Stevens voted aye. Motion carried.

6) **NEW BUSINESS CONTINUED:**

S. A one step pay increase, due to exceptional circumstances, for Adam Wall, an employee with the Community Mental Health Center.

MOTION: Heier moved and Hudkins seconded approval of a one step pay increase, due to exceptional circumstances, for Adam Wall, an employee with the Community Mental Health Center. Schorr, Heier, Workman, Hudkins and Stevens voted aye. Motion carried.

T. A one step pay increase, due to exceptional circumstances, for Scott Juranek, an employee with the Community Mental Health Center.

MOTION: Hudkins moved and Heier seconded approval of a one step pay increase, due to exceptional circumstances, for Scott Juranek, an employee with the Community Mental Health Center. Hudkins, Workman, Heier, Schorr and Stevens voted aye. Motion carried.

U. A one step pay increase, due to exceptional circumstances, for Lindsay Mannschreck, an employee with the Community Mental Health Center.

MOTION: Schorr moved and Hudkins seconded approval of a one step pay increase, due to exceptional circumstances, for Lindsay Mannschreck, an employee with the Community Mental Health Center. Heier, Hudkins, Schorr, Workman and Stevens voted aye. Motion carried.

V. A political subdivision tort claim filed against Lancaster County by Katherine Irons for damaged doors, in the amount of \$1,781.55.

MOTION: Schorr moved and Hudkins seconded denial of a political subdivision tort claim filed against Lancaster County by Katherine Irons for damaged doors, in the amount of \$1,781.55. Workman, Schorr, Hudkins, Heier and Stevens voted aye. Motion carried.

W. Appointment of Carl Tesch and Martha M. Hettenbaugh to the Lincoln Area Agency on Aging Advisory Council, terms to expire July 1, 2006.

MOTION: Heier moved and Workman seconded approval of the appointment of Carl Tesch and Martha M. Hettenbaugh to the Lincoln Area Agency on Aging Advisory Council, terms to expire July 1, 2006. Hudkins, Workman, Heier, Schorr and Stevens voted aye. Motion carried.

7) **CONSENT ITEMS:** These are items of business that are routine which are expected to be adopted without dissent. Any individual item may be removed for special discussion and consideration by a Commissioner or by any member of the public without prior notice. Unless there is an exception, these items will be approved as one with a single vote of the Board of Commissioners. These items are approval of:

A. Setting of public hearings for Tuesday, October 12, 2004 at 1:30 p.m. in the County Commissioners Hearing Room, Room 112, on the first floor of the County-City Building for the following:

1. **County Final Plat 04075, Oak Prairie Estates**, requested by Brian D. Carstens and Associates on behalf of Oak Prairie, L.L.C., consisting of three lots on property generally located at Northwest 140th and West Holdrege Streets in Lancaster County, Nebraska.
2. **County Special Permit 04041, Masek's First Addition Community Unit Plan**, requested by Brian D. Carstens and Associates on behalf of 3801 Harney L.L.C., for nine residential acreage units and associated waiver requests, on property generally located southeast of the intersection of Northwest 27th Street and West Mill Road in Lancaster County, Nebraska.
3. **County Preliminary Plat 04019, Masek's First Addition**, requested by Brian D. Carstens and Associates on behalf of 3801 Harney L.L.C., for nine residential acreage lots, and associated waiver requests, on property generally located southeast of the intersection of Northwest 27th Street and West Mill Road in Lancaster County, Nebraska.

B. Right-of-way contracts relating to road improvements between the Lancaster County Engineering Department and the following:

- < **Dean C. and Dorthy Schied**, in the amount of \$10,850, at approximately North 1st Street and McKelvie Road; Interlocal Project Lincoln Electric System (L.E.S.). (C-04-0461)
- < **Maurine K. Mumma**, in the total amount of \$9,243.75, at 3800 West Denton Road; Project STPE-3305(9). (2 contracts) (C-04-0462 and C-04-0463)

MOTION: Schorr moved and Hudkins seconded approval of the Consent Items. Schorr, Hudkins, Heier, Workman and Stevens voted aye. Motion carried.

8) **ADJOURNMENT:**

MOTION: Schorr moved and Hudkins seconded adjournment of the Board of Commissioners meeting at 2:20 p.m.. Hudkins, Schorr, Heier, Workman and Stevens voted aye. Motion carried.

Bruce Medcalf
County Clerk

**MINUTES
LANCASTER COUNTY BOARD OF EQUALIZATION
TUESDAY, SEPTEMBER 28, 2004
COUNTY COMMISSIONERS HEARING ROOM, ROOM 112
FIRST FLOOR, COUNTY-CITY BUILDING
IMMEDIATELY FOLLOWING THE REGULAR BOARD OF COMMISSIONERS
MEETING**

Commissioners Present: Ray Stevens, Chair
Larry Hudkins, Vice Chair
Bernie Heier
Deb Schorr
Bob Workman

Others Present: Norm Agena, County Assessor/Register of Deeds
Kerry Eagan, Chief Administrative Officer
Bruce Medcalf, County Clerk
Kristy Mundt, Deputy County Attorney
Trish Owen, Chief Deputy County Clerk
Gwen Thorpe, Deputy Chief Administrative Officer

The Board of Equalization meeting was called to order at 2:20 p.m..

- 1) **MINUTES: Approval of the minutes of the Board of Equalization meeting held on Tuesday, September 21, 2004.**

MOTION: Workman moved and Heier seconded approval of the minutes of the Board of Equalization meeting dated September 21, 2004. Schorr, Hudkins, Workman, Heier and Stevens voted aye. Motion carried.

- 2) **PUBLIC COMMENT:**

There was no public comment and the meeting continued as planned.

- 3) **ADDITIONS AND DEDUCTIONS:**

Approval of 122 additions and deductions to the tax assessment rolls per Exhibit "A".

MOTION: Workman moved and Heier seconded approval of the additions and deductions to the tax assessment rolls. Heier, Workman, Hudkins, Schorr and Stevens voted aye. Motion carried.

4) **ADJOURNMENT:**

MOTION: Schorr moved and Heier seconded seconded adjournment of the Board of Equalization meeting at 2:21 p.m.. Workman, Hudkins, Schorr, Heier and Stevens voted aye. Motion carried.

Bruce Medcalf
County Clerk